IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. OF 2004
IN
FAMILY COURT APPEAL NO.11 OF 2002

Mrs.Shailaja Rege ..Applicant

V/s.

Sachin Rege ..Respondent

Mr.S.N.Chandrachud for the applicant.

Mr.R.S.Datar for the Respondent.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 08.10.2004.

PC

1. Office to register the Civil Application forthwith.

2. By this Civil Application which is presented directly in the court, the applicant/original petitioner in the Family court has prayed that the original petition filed in the Family court be converted in to a petition under Section 13-B(1) of the Hindu Marriage Act, 1955 so as to grant a consent decree for divorce and thereby proposed amendment as stated in the Civil Application. The learned Advocate Mr.Datar for the Respondent has no objection for granting this application. Therefore,

Civil Application is allowed and the

applicant/original petitioner is hereby directed to effect the necessary amendment in the main original Petition.

3. Civil application disposed of accordingly.

(R.S.Mohite,J) **(S.B.Mhase,J)**

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO.11 OF 2002

Mrs.Shailaja Rege ..Petitioner

V/s.

Shri Sachin B.Rege ..Respondent

Mr.S.N.Chandrachud for the petitioner.

Mr.R.S.Datar for the Respondent.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 08.10.2004.

PC

1. The Civil Application for effecting amendment in the original Marriage petition is allowed. Thereafter, we asked the learned Advocate for the Respondent as to whether the Respondent desires to file a written statement of the amended Marriage petition. The learned Advocate for the Respondent/original husband Mr.Datar says that he do not desire to file a separate written statement or reply to the amended petition. He submitted a written pursis stating that he accepts the amended pleadings and he has no objection for granting a decree of divorce under Section 13-B(1) of the Hindu Marriage Act, 1955. Both sides have presented a consent terms to this court duly signed by the

appellant/wife and her Advocate Mr.Chandrachud and on behalf of the Respondent/husband the consent terms have been signed by Advocate Datar under a special power to compromise and sign the consent terms. The learned Advocate Mr.Datar for the Respondent states that such instructions have been received by him from his client. Both the parties are educated. We ascertain from the wife as to whether she had voluntarily consented. She says that she has understood the consent terms and has voluntarily accepted the same. The learned Advocate Mr.Datar for the Respondent states that the terms of the consent order were communicated telephonically to the Respondent/husband and the Respondent/husband has understood and accepted the same.

2. In view of this, we find that the consent terms have been entered into by the parties voluntarily and therefore, we accept the consent terms and they are marked as "X" for identification. Therefore, order in terms of the consent terms. Appeal disposed of in terms of the consent terms and the office is directed to draw a decree in view of the consent terms.

3. Appeal is allowed in terms of the consent terms with no order as to costs.

(R.S.Mohite,J) (S.B.Mhase,J)